

IN THE UNITED STATES DISTRICT COURT

STATE OF OKLAHOMA

(1) PATRICIA THOMPSON, as)
Personal Representative of the)
Estate of MARCONIA LYNN)
KESSEE,)

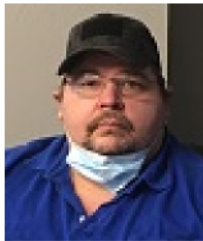
Plaintiff,)

-vs-)

No. CIV-19-113-SLP

(1) NORMAN REGIONAL HOSPITAL)
AUTHORITY d/b/a NORMAN)
REGIONAL HOSPITAL, a public)
trust, et al.,)

Defendants



* * * * *

VIDEOCONFERENCE DEPOSITION OF CLAYTON RICKERT

TAKEN ON BEHALF OF THE PLAINTIFF

IN OKLAHOMA CITY, OKLAHOMA

ON DECEMBER 15, 2020

COMMENCING AT 9:10 A.M.

* * * * *

REPORTED BY: BETH A. MCGINLEY, CSR, RPR

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1 population or housing area. An inmate whose screening
2 indicates a significant medical or psychiatric problem
3 or who may be a suicide risk shall be observed
4 frequently by staff, consistent with the facility's
5 policy."

6 Do you see that portion of the -- of the
7 Oklahoma Jail Standards?

8 A Yes.

9 Q Okay. Now, obviously, on January 16, 2018,
10 there was no medical screening done of Marconia Kessee;
11 true?

12 MS. DARK: Object to the form.

13 MS. THOMPSON: Object to the form.

14 A No, I did a visual assessment on him.

15 Q (By Mr. Hammons) And what was your visual
16 assessment of him?

17 A I believed, at the time, that he was acting
18 out, having a behavioral issue, and that he was trying
19 to harm himself.

20 Q Okay. Do you -- do you -- why did you put him
21 in the cell?

22 A Because I thought he was trying to harm
23 himself.

24 Q So you thought he would -- you put him on
25 suicide watch?

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1 A No, I just -- not necessarily suicide watch,
2 just wanted to protect him from himself if -- so he
3 wouldn't -- couldn't hurt himself.

4 Q Okay. Well, I guess, what's the difference?

5 A Well, one, you're just trying to hurt yourself
6 to get attention, and the other one, you're trying to
7 kill yourself.

8 Q Okay. What's the difference in the way you
9 treat those?

10 A There's not any difference.

11 Q Okay. So at the time of the visual screening,
12 what indications made you believe that he was -- I'm
13 going to use the word "faking." Is that what you would
14 use?

15 A When he just was -- he made this shaking
16 movement, that I used an ammonia inhalant to prove that
17 it wasn't a seizure, and then he was not cooperative,
18 and that's -- was my assessment.

19 Q Okay. We can come back to that.

20 Part of this is medications in possession of
21 the inmate at the time of booking. What did you do
22 with -- it's -- from watching the video back, I see that
23 after you -- y'all put Marconia in the cell, Officer
24 Brown hands you the big bag of pills for Marconia?

25 A Correct.

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1 Q -- right there? Okay.

2 Just real fast while I'm thinking about it.

3 This cell that Marconia was put in, they call it --

4 everybody references it as a padded cell?

5 A Yes.

6 Q Is it padded?

7 A Yes.

8 Q It just looks -- it looks normal. It -- is

9 the floor soft?

10 A The floor is soft, yes.

11 Q Is the -- the wall- -- are the walls soft?

12 A Yes.

13 Q I've just been curious about that.

14 Now, obviously, Marconia was just taken from

15 the -- would you call that room, y'all are in, the

16 intake room? Book-in room? What do you call it?

17 A Book-in room.

18 Q Book-in?

19 A (Moved head up and down.)

20 Q He was taken from the book-in room to the

21 padded cell; true?

22 A True.

23 Q And then, there, he was stripped naked; true?

24 A True.

25 Q And then a suicide smock was placed over him?

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1 A Yes.

2 Q He was lying face down; true?

3 A I don't recall.

4 Q And then you found him, a couple of hours
5 later, dead or dying; true?

6 A True.

7 Q If you'd turn to 378 on Exhibit No. 6. This
8 is a section on processing. It's -- it's 3.02, "Initial
9 Medical and Mental Health Screening." Do you see that?
10 At the very top, the title of it? Under --

11 A Okay.

12 Q Yeah, see that?

13 A Yes.

14 Q Okay.

15 MR. WHITWORTH: I'm sorry, could you tell us
16 what page you're -- you're on?

17 MR. HAMMONS: Yeah, it's 378 of --

18 MR. WHITWORTH: Okay.

19 MR. HAMMONS: -- Exhibit 6.

20 MR. WHITWORTH: Yeah, thank you.

21 MR. HAMMONS: Uh-huh.

22 Q (By Mr. Hammons) And, again, this is a policy
23 and procedure of Cleveland County Detention Center that
24 you didn't know about; true?

25 A True.

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1 have to come from the hospital to have a fit slip.

2 Q (By Mr. Hammons) Okay.

3 A If they're coming from the hospital and they
4 don't have a fit slip, that -- the hos- -- the -- the
5 hospital would have to provide a fit slip before I can
6 accept them.

7 Q Okay. But that didn't happen in Marconia's
8 situation; true?

9 A I had a fit slip.

10 Q You didn't at the time you put him in a cell?

11 MS. THOMPSON: Object to the form.

12 Q (By Mr. Hammons) -- true?

13 A It was on the facility.

14 Q No, it wasn't.

15 MS. THOMPSON: Are you arguing with the
16 witness?

17 Q (By Mr. Hammons) Well, I can show you. I
18 mean, you know Officer Canaan was involved in this;
19 true?

20 A I don't know the officers' names.

21 Q Okay. Well, Officer Brown told you somebody
22 is getting the fit slip; true?

23 A True.

24 Q Okay. Well, Officer Canaan was at the
25 hospital, trying to obtain a fit slip?

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1 Q Okay? You said, "Yeah, I saw that. Oh,
2 hospital. Yeah, same thing he did," and then there's
3 one word that's inaudible. "Hey, get -- get Beck,
4 Beckler, Beckwell, out of the padded cell -- Beckwood
5 out of the padded cell. I can get his feet."

6 MS. DARK: Object to the form.

7 MS. THOMPSON: Object to the form.

8 Q (By Mr. Hammons) Okay? Those were the words
9 you said -- and you'll watch it, we'll -- we'll see it
10 on the deal. Do you think that's adequate inquiry into
11 Marconia Kessee's condition, to make a determination of
12 what his mental or physical status is?

13 MS. THOMPSON: Object to the form.

14 MS. DARK: Object to the form.

15 A Like I said, I did a visual assessment of him.
16 And the way he was acting.

17 Q (By Mr. Hammons) Do you wish you would have
18 asked some questions?

19 MS. DARK: Object to the form.

20 MS. THOMPSON: Object to the form.

21 A I wish a lot of things could have happened
22 different.

23 Q (By Mr. Hammons) Well, specifically, I'm
24 asking: Do you wish you would have asked questions?

25 MS. THOMPSON: Object to the form.

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1 behavior?

2 MS. DARK: Object to the form.

3 Q (By Mr. Hammons) To treat a human being like
4 that?

5 A No.

6 Q Now, I counted about nine, 10 seconds that you
7 held something to his nose. What was that?

8 A That's the ammonia inhalant.

9 Q You've had ammonia inhalant stuck up his nose
10 for nine or 10 seconds and he hasn't moved. What does
11 that tell you?

12 MS. DARK: Object to the form.

13 MS. THOMPSON: Object to the form.

14 A He was holding his breathe for a little while.

15 Q (By Mr. Hammons) You believe Marconia Kessee
16 was holding his breath?

17 A Yes.

18 Q Do you often use ammonium capsules or smelling
19 salts as a diagnostic tool in the jail?

20 A Yes.

21 Q And, again, that's without knowing what it's
22 actually for?

23 MS. THOMPSON: Object to the form.

24 A That's what it's used for. It was what it was
25 used for at the jail.

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1 Q (By Mr. Hammons) Who taught you that?

2 A I couldn't -- I don't remember.

3 Q The Cleveland County Detention Center taught
4 you to stick smelling salts in people's face?

5 A No.

6 MS. DARK: Object to the form.

7 Q (By Mr. Hammons) Who did?

8 A I don't remember.

9 Q Turn Key? Was it Turn Key?

10 A Somebody at Turn Key.

11 Q Okay. Someone at Turn Key said, "Just
12 keep" -- do you keep a pocket full of them?

13 A Kept them on me at all times, yes.

14 Q And you just -- whenever you felt like --
15 necessary, you'd break them open and stick them in
16 people's face, see what they did?

17 MS. THOMPSON: Object to the form.

18 MS. DARK: Object to the form.

19 A Only if they were acting like -- if they were
20 having seizures, to see whether they were really having
21 a seizure or faking it.

22 Q (By Mr. Hammons) And that's a good diagnostic
23 tool for seeing if somebody is faking a seizure?

24 A It works.

25 Q How do you know it works?

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1 A Because you can't immediately come out -- you
2 can't stop having a seizure just because somebody puts
3 an ammonia inhalant at your nose.

4 Q Do you think Marconia Kessee was having a
5 seizure?

6 A No.

7 Q Then why were you using an ammonium thing?

8 A To prove that it wasn't a seizure.

9 Q Okay. Is there any medical training
10 documentation journal out there, on earth, that you know
11 of, that says to -- I can determine whether somebody is
12 faking a seizure or not based on a smelling salts
13 caplet?

14 A Not that I'm aware of.

15 Q Ever, ever -- have you ever used the ammonia
16 caplet on people at the nursing homes you were at, to
17 see if they were faking?

18 A No.

19 Q What about the Department of Corrections, did
20 they let you stick ammonium caplets --

21 A Yes.

22 Q -- up people's nose? They did?

23 A Yes.

24 Q What about any other facility you worked at?
25 The hospital down in Pauls Valley, did they let you do

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1 that?

2 A No.

3 Q Why not?

4 A Well, we didn't typically have people faking
5 seizures.

6 Q Okay. And -- and you believed Marconia was
7 faking on that day?

8 A Yes.

9 Q Okay.

10 (Plaintiff's Exhibit 7, Officer Brown's Body
11 Cam Footage, was played off the record).

12 MR. HAMMONS: I pushed play. Sorry, guys.

13 Q (By Mr. Hammons) Now, again, up to this point,
14 you don't think you could have taken a blood pressure,
15 taken a temperature, done any kind of intake process?

16 A No, he was still in handcuffs. I couldn't
17 have got a blood pressure on him.

18 Q Okay. Did you ever take his blood pressure?

19 A No.

20 Q Huh?

21 A No.

22 Q Did you ever tell somebody you took his blood
23 pressure?

24 A No.

25 Q Well, what if somebody says that you told them

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1 A No.

2 Q Not part of Turn Key's policies and procedures
3 or not part of Cleveland County's?

4 A As far as I know, it's not part of any policy
5 and procedure, to count and log how many pills are in
6 the bottle.

7 Q Okay. Now, I've read some of the -- have you
8 read these reports written -- or these typed reports
9 from the jailers and detention officers involved in
10 this?

11 A Just pieces of the ones that were in the -- in
12 the complaint.

13 Q So it seems like there's some disagreement,
14 when I'm reading that record, as to whether you wanted
15 Marconia on critical observation or something called
16 medical observation. I -- I've seen those two phrases
17 in the record. What is critical observation?

18 A Critical observation is what he was put on,
19 that he was put in a padded cell and checked on by the
20 detention staff.

21 Q Well, what's the -- what's the parameters for
22 critical observation? Why are you put in critical
23 observation?

24 A Just because he tried to hurt himself.

25 Q Well, that's what I'm getting at. Is that

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1 January 16th, 2018, whose decision is it, ultimately,
2 whether it's medical or critical observation?

3 A Well, medical would be mine. Critical could
4 be -- like I said, if it -- it could -- they could get
5 put in critical observation -- doesn't have to be a
6 medical staff to put somebody in critical observation.

7 Q Yeah, I guess what I'm getting at is: I take
8 it you wanted him in critical observation?

9 A Correct.

10 Q Could somebody at Cleveland County that was
11 present that night, on January 16th, 2018, override your
12 decision and put him in some other -- medical
13 observation, for instance?

14 A No.

15 Q If you put him in medical observation, could
16 anybody at Cleveland County Detention Center that night
17 override that decision?

18 A No.

19 Q Okay.

20 A Well, I mean, I -- I -- I take that back. I
21 guess they could, because they have ac- -- they have
22 control of the jail.

23 Q Yeah, and I'm just -- a general understanding
24 of what you thought the procedure was, that you had
25 control over that if you put them in it?

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1 A Yes.

2 Q That definition of "critical observation"
3 says, "An inmate who is observed in a more frequent
4 manner due to health risk, either mental or physical."

5 What -- what was Marconia put in there for, on
6 critical observation?

7 A Because he hit his head.

8 Q So it's more of the physical?

9 A Yes.

10 Q Okay. And when you say "hit his head," you're
11 talking about the one time his head hit the wall?

12 A Yes.

13 Q Okay. Now, do you know, once an inmate is
14 given a suicide smock, are they considered on suicide
15 watch at that point?

16 A I don't know whether they're considered on
17 suicide watch because -- just because they got a smock
18 or not.

19 Q Okay. You don't know what the policy at
20 Cleveland County Detention Center, on that, would be?

21 A No.

22 Q What is a sight check?

23 A I don't know.

24 Q You were never trained, at Cleveland County
25 Detention Center or by Turn Key, on what a sight check

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1 A I was in the area for an unrelated reason,
2 somebody else had called for medical, and I just wanted
3 to check on him.

4 Q Okay.

5 A Just because.

6 Q Okay. And this is -- this is a -- I don't
7 know, an hour and 50 or so minutes after he was placed
8 in the cell, would you say?

9 A I have no idea how long it had been.

10 Q Okay. Who is the individual in the cell with
11 you on that cam- -- that footage?

12 A I can't tell from this view.

13 Q Okay. Let me see if I can -- well, if you
14 get -- here in a second, if you get to where you know
15 who it is, tell me, okay?

16 A Okay.

17 Q When you enter the cell in a situation like
18 this and you're -- who's in charge of inside the jail
19 cell on -- on decision making, medically?

20 A Medically?

21 Q Yes.

22 A It would be me.

23 Q Okay. And right now, it shows you kind of
24 leaned over. We can't see Marconia's head in the video,
25 but it seems he's face down at this point?

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1 and stare at him.

2 Q (By Mr. Hammons) Okay. You reached down and
3 you did something on his neck; true?

4 A I was assessing him for his level of
5 consciousness and then checked for respirations and
6 pulse.

7 Q Okay. And you -- you drug your pen on his
8 feet?

9 A Yes.

10 Q Okay. And then you flipped him over; true?

11 A True.

12 Q Okay. Now, this -- this breathing apparatus
13 that you're pulling out of this bag, do you know how to
14 use it?

15 A Yes.

16 Q Okay. Again, do you believe the 2 minutes and
17 54 seconds before starting CPR are acceptable?

18 A Under the circumstances, yes.

19 Q In that 2 minutes and 54 seconds, do you
20 believe Marconia Kessee was breathing or his heart was
21 beating?

22 A No.

23 Q Do you believe, at this point in time, as
24 you're sitting there, that Marconia Kessee is dead?

25 A I can't make that determination.

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1 stories, aren't they?

2 MS. THOMPSON: Object to the form.

3 A Yes.

4 Q (By Mr. Hammons) And, fortunately, we have a
5 video to show which one of them is true, correct?

6 A Yes.

7 MS. THOMPSON: Is it okay for a quick break?

8 MR. HAMMONS: Sure.

9 THE MONITOR: Going off the record. The time
10 is 1:57 p.m.

11 (Recess was had from 1:57 p.m. to 2:05 p.m.)

12 THE MONITOR: We are back on the record. The
13 time is 2:05 p.m.

14 Q (By Mr. Hammons) Are you ready to proceed,
15 Mr. Rickert?

16 A Yes.

17 Q Okay. Now, just a little bit of overview
18 here. The process, whatever you want to call it, that
19 took place inside this book-in room, is that consistent
20 with how you treated other inmates while working for
21 Turn Key at Cleveland County Detention Center?

22 MS. THOMPSON: Object to the form.

23 A Nev- -- I don't remember ever having a
24 situation like that one.

25 Q (By Mr. Hammons) Well, consistent in, you make

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1 a determination of -- based on whatever you used in this
2 situation, and you decide to bypass the medical
3 screening and everything and you put them into the
4 padded cell?

5 MS. THOMPSON: Object to the form.

6 Q (By Mr. Hammons) Have you done that to other
7 inmates?

8 A Never done that.

9 Q You've -- you've never bypassed the medical
10 screening process and placed somebody in a --

11 A Never had to bypass a medical screening, that
12 I can recall.

13 MS. THOMPSON: Objection to the last question.

14 Q (By Mr. Hammons) Okay. And never before,
15 the -- the reaction and the CPR situation that happens
16 in the cell after you find Macrony -- Macrony --
17 Marconia, and no heartbeat, no breathing, is that
18 consistent with treatment of other inmates that you've
19 seen in the jail?

20 MS. DARK: Object to the form.

21 MS. THOMPSON: Object to the form.

22 A Can you rephrase the question?

23 Q (By Mr. Hammons) Sure. I'm trying to get a
24 sense of: Is that reaction and that -- the way you
25 treated Marconia in that cell, consistent with the way

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1 you've treated other inmates found unconscious or not
2 breathing at the Cleveland County Detention Center?

3 MS. DARK: Object to the form.

4 MS. THOMPSON: Object to the form.

5 A I've never had a situation like that before at
6 Cleveland County Jail.

7 Q (By Mr. Hammons) You've never had a situation
8 where you've had to perform -- an emergency CPR
9 situation?

10 A Not at the jail.

11 Q Not at the Cleveland County Detention Center?

12 A No.

13 Q Okay. Have you ever had a scenario of
14 training on that at the Cleveland County Detention
15 Center?

16 A No.

17 Q So Marconia Kessie was your first attempt at
18 it; true?

19 A True.

20 Q And it was a blatant failure?

21 MS. DARK: Object to the form.

22 MS. THOMPSON: Object to the form.

23 Q (By Mr. Hammons) True?

24 A It wasn't a success.

25 Q Yeah, it was a complete failure, right? The

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1 whole mission failed; true?

2 MS. THOMPSON: Object to the form.

3 MS. DARK: Object to the form.

4 A True.

5 Q (By Mr. Hammons) You have -- as far as the
6 timeline when Marconia was seen by a doctor at Norman
7 Regional Hospital, you have no idea on January 16, 2018;
8 true?

9 A True.

10 Q You had no idea the last time a doctor saw him
11 and -- in -- when I say "last," in time, as it relates
12 to when you saw Marconia; true?

13 A True.

14 Q You don't even know when -- as we sit here
15 right now, when a fit slip arrived at Cleveland County
16 Detention Center; true?

17 A True.

18 Q And a fit slip is only as good as when a
19 doctor last saw that human being; true?

20 MS. DARK: Object to the form.

21 MS. THOMPSON: Object to the form.

22 A I couldn't answer that. I don't know what the
23 policies and procedures are for fit slips at the
24 hospital.

25 Q (By Mr. Hammons) Well, just common sense tells

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1 medical attention, will be referred to Community
2 Hospital for care."

3 Do you believe Marconia was semi-conscious?

4 A No, I believe he was conscious.

5 Q Okay. And we already went over this. You
6 don't think he was obviously in need of immediate
7 medical attention?

8 A No.

9 Q On -- on No. 2, under "Procedure," the second
10 sentence of that says, "Prebooking medical screening
11 criteria used to guide the determination of medical
12 stability shall be approved by the medical authority."

13 What is the prebooking medical screening
14 criteria?

15 A I don't know.

16 Q It says it's used to guide the determination
17 of medical stability. And you don't know what the
18 criteria for that is?

19 A No.

20 Q Did anybody at Turn Key ever teach you that?

21 A Not that I can remember.

22 Q Okay. It might have been in that first day
23 where you went over the -- over 100 categories of
24 training policies in orientation?

25 MS. THOMPSON: Object to the form.

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1 A True.

2 Q (By Mr. Hammons) Protocols that may save
3 lives; true?

4 MS. THOMPSON: Object to the form.

5 A True.

6 Q (By Mr. Hammons) Page 19, Exhibit 1. No. 3,
7 it says, "Nursing staff will be provided with
8 orientation in-service prior to utilization of nursing
9 protocols."

10 I'm assuming you don't recall having an
11 orientation or in-service about these nursing protocols?

12 MS. THOMPSON: Object to the form.

13 A No, I don't recall.

14 Q (By Mr. Hammons) Page 20. "Mental Health
15 Services." Anything in your training and experience as
16 a nurse or your training and experience with Turn Key
17 give you any indication that Marconia Kessee may have a
18 mental health issue?

19 A The only thing that give me any indication
20 that he had a mental health issue was when I looked at
21 his medications.

22 Q Okay. But that didn't prompt you to do
23 anything different than you would have done; true?

24 A True.

25 Q Now, you had said, earlier, about performing

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1 Q Is it true you've dealt with inmates who have
2 had seizures before?

3 A Yes.

4 Q Is it true you've dealt with inmates who had
5 faked seizures before?

6 A Yes.

7 Q Also true you had dealt with a lot of
8 uncooperative inmates?

9 A Yes.

10 Q In your experience, did Mr. Kessie appear to
11 be having a seizure at any time on January 16th, 2018?

12 A No.

13 Q Were you ever disciplined, while you were
14 working at Cleveland County, for any sort of improper
15 medical care or medical treatment you provided to an
16 inmate?

17 A No.

18 Q Or were you ever disciplined, while you were
19 at Cleveland County, for not providing medical care or
20 medical treatment to an inmate?

21 A No.

22 Q Prior to Mr. Kessie's incarceration at -- in
23 January of 2018, had anyone with the county ever
24 contacted you or reached out to you about anything about
25 your performance as an LPN at the jail?

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1 A No.

2 Q Likewise, do you feel like you had ever
3 committed any act or, you know, done something that
4 would have warranted anyone from the county reaching out
5 to you about your performance?

6 A No.

7 Q Prior to this incident with Mr. Kessee, there
8 would never have been any reason for anyone at the
9 county to think that you were incapable of doing your
10 job, right?

11 A Right.

12 Q At the time that you were -- or as of
13 January 16th, 2018, your LPN license was active,
14 correct?

15 A Correct.

16 Q You had no restrictions on it, correct?

17 A Correct.

18 Q And you testified to this earlier, but there
19 had been no -- no prior incident like this at Cleveland
20 County that you had been involved in, right?

21 A Correct.

22 Q Are you aware of any policy or procedure at
23 Turn Key that you personally violated with regard to
24 Mr. Kessee?

25 A No.

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1 any jail?

2 A No.

3 Q You don't have any knowledge as to how
4 Cleveland County detention officers are trained, do you?

5 A No.

6 Q You have no knowledge that they are not
7 trained appropriately, correct?

8 A Correct.

9 Q Also, you are -- you're not an expert in jail
10 policies, right? That's not your field of expertise?

11 A Correct.

12 Q Okay. So when you are at the jail and you are
13 the medical provider on duty, it's -- it's your
14 responsibility to deal with any inmate medical issues,
15 correct?

16 A Correct.

17 Q And that would include any inmate medications,
18 right?

19 A Correct.

20 Q Making sure that they received medications as
21 needed or anything like that, right?

22 A Yes.

23 Q That's not something we have jailers do,
24 correct?

25 A Correct.

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1 Q You're aware that detention officers at
2 Cleveland County have received CPR and first aid
3 training? Are you aware of that?

4 A No.

5 Q Are -- were you aware of any of the jailers on
6 duty that night having any elevated medical training
7 like you do?

8 A No.

9 Q As far as you know, you're the highest level
10 of medical at the jail on January 16th, 2018, correct?

11 A Yes.

12 Q So, with that, as far as you're aware, you
13 have more medical training and experience than anyone
14 else in that jail at the time?

15 A Yes.

16 Q And whenever -- like I said, I'm going to be
17 kind of all over the place. But you, as the jail --
18 jail nurse, you -- you make the decision about what kind
19 of treatment each inmate needs, correct?

20 A Within parameters. I mean, I can't just make
21 up stuff.

22 Q Right. If -- you -- you take the situation as
23 it is, you use your knowledge and expertise and
24 training, and you decide what needs to be done; is that
25 fair?

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1 A Yes.

2 Q In a medical related standpoint?

3 A Yes.

4 Q And it's obvious, then, that the detention
5 officers, who don't have that same training, they're
6 going to rely on you, as the nurse, to tell them what to
7 do with regard to medical care for inmates, correct?

8 A Yes.

9 Q And you agree that that -- that makes sense,
10 right? We don't want unqualified or un- --
11 non-medical-trained people making medical decisions when
12 there's a nurse right there, right?

13 A Yes.

14 Q There's nothing that prevented you from going
15 to Mr. Kessee's padded cell and opening the flap and
16 looking in on him at any time, right?

17 A Except for my other duties.

18 Q But no -- no jail staff, no policy, ever told
19 you that you couldn't go and look in on him, correct?

20 MR. HAMMONS: Object to the form.

21 A Correct.

22 Q (By Ms. Dark) And, in fact, you did. We saw,
23 in the video, you went by and you looked in on him,
24 correct?

25 A Correct.

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1 Q So we saw in the video of -- I think with
2 Officer Brown's video -- that you were standing in the
3 intake area as Mr. Kessee is being brought in from the
4 sally port, correct?

5 A Yes.

6 Q So from the time he enters the facility,
7 you're already there, right?

8 A Yes.

9 Q And as he enters the facility, as he's sitting
10 in that intake area, does he ever appear to be in any
11 medical distress?

12 A No.

13 Q Does he ever appear, to you, to need any
14 elevated level of care that you can't provide there at
15 the jail?

16 A No.

17 Q If he had, I assume you would have done
18 something, whether that's send him back out or call for
19 more assistance, right?

20 A Yes.

21 Q When Officer Brown told you that he -- that
22 Mr. Kessee had a fit for incarceration slip, you didn't
23 have any reason to not believe him, correct?

24 MR. HAMMONS: Object to the form.

25 A Correct.

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1 Q (By Ms. Dark) There's no reason to doubt that
2 a fit slip was coming, correct?

3 MR. HAMMONS: Object -- object to the form.

4 A I -- like I said, I thought it was there, that
5 maybe it was in the car.

6 Q (By Ms. Dark) Okay. And at some point, you
7 saw a fit for incarceration slip, right?

8 MR. HAMMONS: Object --

9 A Yes.

10 MR. HAMMONS: Object to the form.

11 Q (By Ms. Dark) And that fit slip tells you that
12 he has -- Mr. Kessee had been seen at a hospital prior
13 to his arrival, correct?

14 A Correct.

15 Q You agree with me that the Norman Regional
16 Hospital is about a 10-minute drive from the jail? Does
17 that sound right to you?

18 MR. HAMMONS: Object to the form.

19 A Yes.

20 Q (By Ms. Dark) So, as far as you knew,
21 Mr. Kessee had just been seen at the hospital within 10,
22 20 minutes of his arrival at the jail, correct?

23 A Yes.

24 Q And we looked at the fit slip earlier, which
25 was Exhibit 11. And on that slip, it states, "Fit for

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1 incarceration," and then it gives a phone number for if
2 you called with any -- call with any questions.

3 That fit slip doesn't have any -- on the fit
4 slip itself -- not the discharge paperwork, but the fit
5 slip itself doesn't have any sort of "Call if you see X,
6 Y or Z," does it?

7 A No.

8 Q This is unconditional, this is saying, "We've
9 seen him, he's good, he can come into the jail," right?

10 A Right.

11 Q At any time that you observed Mr. Kessee, was
12 he vomiting?

13 A No.

14 Q Did he have any change in color, skin tone?

15 A No.

16 Q Did he ever lose consciousness that you saw?

17 A No.

18 Q Did you see any wounds or injuries?

19 A No.

20 Q Was he clutching his chest or complaining of
21 chest pain at any time?

22 A No.

23 Q Did you ever see him bleeding?

24 A No.

25 Q Okay.

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1 MS. DARK: If -- Chris, I'm sorry, can you
2 hand him Exhibit 6, the policies and procedures, at CCSO
3 376.

4 MR. HAMMONS: (Handed the witness Exhibit 6.)

5 Q (By Ms. Dark) Okay. And at the bottom of the
6 page, it says -- well, at the middle of the page,
7 there's F, "Admission of a Compliant Arrestee." Do you
8 see that?

9 A Yes.

10 Q And if you go to the next page, No. 10, "The
11 arrestee will be taken to the medical screening room and
12 overseen by the detention officer."

13 A Yes.

14 Q At that time that Mr. Kessee was in the intake
15 area, you wouldn't call him a compliant arrestee, would
16 you?

17 MR. HAMMONS: Object to the form.

18 A No.

19 Q (By Ms. Dark) He was uncooperative, wasn't he?

20 MR. HAMMONS: Object to the form.

21 A Yes.

22 Q (By Ms. Dark) And if you look on the page just
23 before that, CCSO 375, E, "Officer assistance with" --
24 sorry, "Officer assistance with new combative arrestee."
25 And then flip the page, so back to CSSO 376, No. 7. "If

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1 compliance is not gained, the arrestee will be escorted
2 to a designated cell." Did I read that correctly?

3 A Yes.

4 Q And that's what happened here, right?

5 Mr. Kessee was not being compliant, so he was taken to a
6 designated cell, correct?

7 A Yes.

8 Q And you touched on this earlier, but just to
9 be clear: The -- the plan was to place him in this
10 designated cell, make sure he isn't harming himself, and
11 when he calms down, then you'll be able to finish the
12 intake process, correct?

13 A Yes.

14 Q Are you aware of any requirement in any
15 policy, any standard, that gives an exact amount of time
16 as to when that initial medical screening intake has to
17 occur?

18 A No.

19 Q And it tracks that if you have someone who's
20 not being cooperative, you want to give them time to
21 calm down, so he's able to provide you reliable answers,
22 correct?

23 A Correct.

24 Q In the video, we watched the portion where
25 Mr. Kessee hit his head on the wall, and you agree with

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1 nursing -- as a nurse, to decide if someone is having
2 a -- a real seizure, right?

3 A Correct.

4 Q And as we discussed before, you've dealt with
5 people, whether inmates or patients, faking seizures
6 before, right?

7 A Yes.

8 Q And we don't expect that -- a jailer, who
9 doesn't have any medical training, to be able to
10 identify a real versus a fake seizure --

11 A Correct.

12 Q -- right?

13 A Correct.

14 Q That's why you're there as the nurse, because
15 you have that training, correct?

16 A Correct.

17 Q From the time that Mr. Kessee enters the
18 facility, which I believe is around 7:46, to the time he
19 goes into the padded cell, you're with him every step of
20 the way, correct?

21 A Yes.

22 Q And even whenever the officers take Mr. Kessee
23 into the cell, you enter the cell with them, correct?

24 A Yes.

25 Q Until that door is shut, which I believe is at

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1 around 7:55, you're with Mr. Kessee the entire time,
2 right?

3 A Yes.

4 Q And at no time during that course of events
5 did you believe he needed any additional medical care?

6 A Correct.

7 Q At no time did you believe he was having any
8 serious mel- -- medical issue that would require --
9 require medical treatment?

10 A Correct.

11 Q Do you have any information or indication that
12 Officer Shifflett and Barr were lying to the OSBI?

13 A Just what was presented today.

14 Q Is it common that if a -- you know, incident
15 like this, that events happen quickly, it may be hard to
16 remember the exact sequence of events?

17 MR. HAMMONS: Object to the form.

18 A Exactly.

19 Q (By Ms. Dark) Yeah. You don't have specific
20 information that they were trying to impede any
21 investigation, do you?

22 MR. HAMMONS: Object to the form.

23 A No.

24 Q (By Ms. Dark) Did you see anything that any of
25 the detention officers did, with regard to Mr. Kessee,

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1 diagnose any condition; is that correct?

2 A Correct.

3 Q And you're not trained to prescribe
4 medication?

5 A Correct.

6 Q Based on your nursing training and experience,
7 are you able to determine if an individual is
8 experiencing signs or symptoms of a condition that would
9 require immediate medical care?

10 A Yes.

11 Q And I know you've discussed that a bit with
12 Ms. Dark earlier, but did you see any -- other than
13 behavioral symptoms, did you see any medical symptoms in
14 Mr. Kessee, on January 16th of 2018, that would require
15 immediate medical care --

16 A No.

17 Q -- in your opinion?

18 Is that unusual, based on your prior
19 experience in correctional nursing, for an inmate to
20 fake their symptoms?

21 A No.

22 MR. HAMMONS: Object to the form.

23 Q (By Ms. Thompson) Did you encounter that in
24 the past, in your correctional nursing experience?

25 A Yes.

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1 Q We had discussed a fit for incarceration slip
2 earlier. Based on the condition that you observed in
3 Mr. Kessee, did you have any reason to believe that he
4 was no longer fit for incarceration after arrival at the
5 Cleveland County Detention Center?

6 A No.

7 Q So you didn't have any reason to call the
8 phone number on the fit slip for further instruction; is
9 that correct?

10 A Correct.

11 Q Did you see any need, based on your
12 observations of Marconia's condition, to contact a
13 higher level provider?

14 A No.

15 Q Did you see any need, based on your
16 observations of Marconia's condition, to send him back
17 to the hospital for higher level care?

18 A No.

19 Q Between your first encounter with Marconia
20 Kessee and until you later found him unresponsive in his
21 padded cell, during that time period, did your
22 impression of his condition change at any point?

23 A No.

24 Q Did his symptoms change, based on your
25 observations, during that time period?

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1 A From -- until I found him?

2 Q Yes, from the time that you first saw him
3 being brought in and just before you found him.

4 A Okay, just before I found -- no, not that I'm
5 aware of.

6 Q When you were visually assessing Marconia
7 Kessee when he was first brought in, you stated,
8 earlier, that you had observed him being alert; is that
9 correct?

10 A Yes.

11 Q And you had observed him converse with the
12 detention officers; is that correct?

13 A Yes.

14 Q From your observation of that interaction with
15 detention officers, did you make a determination whether
16 Mr. Kessee was in a condition -- whether Mr. Kessee
17 would be able to answer your question about his medical
18 history?

19 A Yes.

20 Q And what was your determination?

21 A That he would not be able to answer
22 appropriately at the time.

23 Q And why did you think that?

24 A Because he wasn't answering appropriately to
25 the officers.

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1 Q Prior to placing Mr. Kessee in the padded
2 cell, you did not observe him to lose any cons- -- lose
3 consciousness, correct?

4 A Correct.

5 Q And no one with the county ever told you that
6 you had violated any of their policies; regardless of
7 whether you knew what they were or weren't, no one told
8 you, you had violated them, right?

9 A Correct.

10 MS. DARK: Pass the witness.

11 MS. THOMPSON: Two questions.

12 FURTHER EXAMINATION

13 BY MS. THOMPSON:

14 Q Mr. Rickert, you discussed with plaintiff's
15 counsel about how Marconia was only asked one question
16 by the jailers, about the size of his shoe.

17 Did you also see Marconia, back on the day,
18 and today on the video, just making statements, without
19 being asked a question?

20 A Yes.

21 Q And was he making sense when he was making
22 those statements?

23 A No.

24 Q Was that part of your assessment that he
25 probably would not be able to accurately answer